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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bill was introduced in Lok Sabha on the 19th August, 1970:—

BILL No. 81 OF 1970

A Bill further to amend the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Amendment Act, 1970.

Amendment of section 3.

12 of 1953

2. In section 3 of the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (hereinafter referred to as the principal Act), in sub-section (*1*), for the proviso, the following proviso shall be substituted, and shall be deemed to have been substituted with effect from the 10th day of January, 1957, namely:—

"Provided that no such duty shall be levied on cloth—

(*i*) which is exported out of India, or

(*ii*) which is used in the manufacture of goods which are exported out of India.".

Amendment of section 5.

3. In sub-section (2) of section 5 of the principal Act, in clause (*e*), after the words "exempt from ", the words "the whole or any part of" shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of March, 1960.

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 (12 of 1953) provides for the levy of an additional duty of excise (commonly known as handloom cess) on all cloth manufactured in India. The proviso to that section prohibits the imposition of such duty on cloth which is exported out of India. In pursuance of the proviso, no duty was levied from the 10th January, 1957, in respect of cloth used in the manufacture of garments and wearing apparel. Doubts have been expressed about the validity of exempting garments and wearing apparel from the levy of duty as the proviso appeared to apply to cloth alone and not also to garments made therefrom. It is, therefore, proposed to amend section 3 of the Act retrospectively from the 10th January, 1957, so as to specifically provide that no additional excise duty shall be levied on garments or wearing apparel made out of cloth and exported out of India.

2. Under section 5(2)(e) of the said Act, cut-pieces of cotton fabrics (popularly known as fents) and handloom woollen fabrics were exempt from the payment of duty leviable under it from the 1st March, 1960 and the 24th April, 1962, respectively. It has been pointed out that under the said provision, Government was not empowered to grant such exemption in the case of fabrics which were not wholly exempt from the duty of excise leviable under the Central Excises and Salt Act, 1944. It is proposed to amend that section so as to empower the Central Government to grant exemption even in cases where the fabrics are partially exempt from the excise duty leviable under the 1944 Act and to make the amendment retrospectively from the 1st March, 1960, so as to validate the exemptions granted in the past.

NEW DELHI;
The 22nd July, 1970.

L. N. MISHRA.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill seeks to amend section 5(2)(e) of the principal Act so as to empower the Central Government to grant exemption from the handloom cess under the Act even in respect of those fabrics which are partially exempt from the excise duty imposed under the Central Excises and Salt Act, 1944. The matter in respect of which such rules may be made is one of procedure and detail. The delegation of legislative power is thus of a normal character.

S. L. SHAKDHER,
Secretary

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